

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Applicants respectfully request that the Information Disclosure Statement (IDS) being filed currently herewith be considered and acknowledged. This IDS discloses references cited in a corresponding German office action dated March 23, 2004.

In addition, Applicants respectfully request that the Examiner initials the attached copy of PTO-1449 that was previously filed on May 16, 2002, to acknowledge that the references disclosed have been examined.

Claims 1-10 were pending in this application. Claims 1-2, 7 and 9 have been amended to clarify the invention. Specifically, the claims now recites a "time communications duplexed link." Support for this amendment can be found in, for example, page 8, lines 6-9 of the present application. No new matter has been added. No claims has been cancelled or added. Accordingly, claims 1-10 remain pending herein upon entry of this Amendment. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claim 7 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,574,979 (West). Claims 1-10 were also rejected under 35 U.S.C. § 102(b) as

being anticipated by West. To the extent any of these rejections might still be applied to claims presently pending in this application, it is respectfully traversed.

Regarding the § 112, second paragraph rejection, Applicants have deleted a portion of the preamble of claim 7 that has allegedly caused the claim to be indefinite. Applicants believe the deletion has overcome the rejection.

Regarding the §§ 102(b) and 103(a) rejections of claims 1-10, Applicants present arguments below to explain why the claim invention is neither anticipated nor rendered obvious by West.

Applicants believe the § 102(b) rejection should be withdrawn because the Final Office Action admitted, in pages 3-5, that “West does not disclose transmitting a redundant copy of the data packet on the second time slot.” Since at least this element recited in all independent claims 1, 2 and 7 is not present in West, Applicants believe the § 102(b) rejection has been overcome.

With respect to § 103(a), Applicants also believe that since West does not teach at least one element in each of the independent claims, the § 103(a) rejection of independent claims 1, 2 and 7 should be similarly withdrawn. In addition, Applicants further submit that it would not have been obvious for one of ordinary skill in the art to modify West to arrive at the claim invention of the present application.

West relates to a system that uses a predictive sync signal that allows radio frequency communication to be optimally timed to efficiently make use of the interference-free time within the periodic interference signal (see Abstract). For example, West first detects periodic interference that is generated from a microwave oven, and then transmits in time slots in which

the interference is absent (col. 61, lines 30-34). As recited in each of independent claims 1-2 and 7, the present application relates to transmitting the same information (e.g., data packet) twice in a time communications duplexed link. West does not disclose or suggest transmission of the same information twice in a time communications duplexed link.

The Final Office Action asserted that the disclosure in column 22, lines 30-33 of West would motivate one of ordinary skill in the art to modify West to arrive at the present invention. Applicants respectfully disagree and submit that such modification would not have been obvious at the time the present invention was made because the context of the West disclosure discourages use for redundant transmission in two way services such as voice communications, a form of time communications duplexed link. To support this argument, Applicants respectfully call the Examiner's attention to West column 22, lines 27-33, which is reproduced below for convenience:

“Two way services such as voice communications are the most sensitive to transport delay because delay impacts the interaction of the communicating parties. One way services are good candidates for interleaving or other forms of redundant transmission.”

Thus, in context, while West suggests that redundant transmission may be performed for one way services, West does not make similar suggestion with respect to two way services such as voice communications. Indeed, a plausible suggestion from West is that two way services would be poor candidates for redundant transmission. As such, West would discourage, and not motivate, one of ordinary skill in the art to modify West to arrive at the claimed invention of the present application, which recites transmission of redundant information in a time communications duplexed link.

Serial No.: 09/578,140
Art Unit: 2661

Attorney's Docket No.: VTX0061-US
Page 9

Accordingly, Applicants believe the § 103(a) rejection of claims 1, 2 and 7 has been overcome. Since each of dependent claims 3-6 and 8-10 depends from an allowable independent claim, they are also believed to be in condition for allowance.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703-770-7696

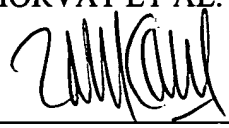
Date: June 21, 2004

Respectfully submitted,

HORVAT ET AL.

By:



 POH CHINA, 44, b15
Michael D. Bednarek
Registration No. 32,329

Attachment: PTO-1449 filed on May 16, 2002

MDB/PCC:kmh